



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,283	05/22/2000	Christopher P. Bergh	10235-047001	1521

26161 7590 06/23/2010
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT	PAPER NUMBER
----------	--------------

3624

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/23/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/575,283
Filing Date: May 22, 2000
Appellant(s): BERGH ET AL.

Denis G. Maloney
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 10, 2010 appealing from the Office action mailed July 9, 2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

29-51

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN

Art Unit: 3624

REJECTIONS.” New grounds of rejection (if any) are provided under the subheading “NEW GROUNDS OF REJECTION.”

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant’s brief.

(8) Evidence Relied Upon

6,078,892

Anderson et al

6-2000

Griggs, Robyn. "Give us leads! Give us leads!" Sales and Marketing Management. New York: Jul 1997. Vol 149, Iss. 7; pg 66

Netscape and Aurum Extend Enterprise-level Sales and Marketing Applications to the Internet. from <http://form.netscape.com/newsref/pr/newsrelease92.html> Feb 20, 1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3624

Claims 29-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, US 6,078,892 in view of Griggs, “Give us leads! Give us leads!” further in view of Netscape/Aurum.

As per **claim 29**, Anderson et al teaches configuring a lead processing system comprising a networked computer system, including accepting a specification of a plurality of users of the system (column 2, lines 54-59 – the agent submits preferences of the type of customer requested), and accepting a specification of a plurality of rules for determining at least one action of the lead processing system with respect to the users, with the plurality of rules including rules based on attributes of user relationships (column 7, lines 53-65 – distinct rules include a second step wherein the leads are delegated to an agent based upon product of interest, or preferences such as age range, location, sex, etc, inherently this information, i.e., age, location, sex, etc., reflects attributes of the users since the agent must specify their interest in working with clients holding these attributes; in addition at column 8, lines 1-6 the user can specify a max number of leads to be output from the search, this is also reflective of an attribute of the user), wherein the plurality of rules includes global rules and user specific rules (column 6, line 59 through column 7, line 8 – global rules include an initial set of rules which all leads go through to determine demographic data, data describing the nature of the customer business and calculates scores indicating whether a customer associated with the record is likely to buy the products (global rules); column 7, lines 53-65, as a second step of the method, a search is formulated to obtain the best customer leads from the database for a given product based on preference set by individual agents (distinct rules)); accepting at least one customer lead (column 8, lines 64-67 – the customer lead is selected); routing the at least one customer lead through the lead processing

Art Unit: 3624

system in accordance with the rules (column 3, lines 17-39 – the customer leads are matched to the agent based on customer information and preferences set by the agent; column 7 – customer descriptive information is used to match the agent with the appropriate customer to pursue, this can be based on location, age, sex, type of business, etc.). Anderson et al does not explicitly teach receiving feedback from at least one of the users, the feedback indicating whether the lead, should be accepted, rejected or forwarded to another one of the plurality of users; re-routing the at least one customer lead, based on the plurality of rules and the received feedback from the at least one of a plurality of users to the another one of the users; and tracking and reporting an advancement of the at least one customer lead through the lead processing system. Griggs teaches the use of an automated lead-management system that allows one to track leads from its inception to close (page 2, paragraph 7). Griggs also teaches a ranking matrix that rates leads as hot, warm or cold based on predetermined questions (page 3, paragraph 14). In addition, Griggs teaches if the prospect is deemed hot or warm, a lead card detailing the inquiry is sent to the field (re-routed). Cold leads are also sent to salespeople for follow up (page 3, paragraph 14). Since both Anderson et al and Griggs both teach a customer lead system wherein leads are routed through a system to the appropriate user, it would have been obvious to modify Anderson et al to include a tracking system. This would allow the user to create revenue and manufacturing forecasts and also to evaluate return on investment for different lead-generation programs.

Further, while the combination of Anderson and Griggs are directed to a lead-tracking software system (Griggs pp. 1), neither reference explicitly teaches a lead management server or a secondary lead management server. The Netscape/Aurum reference teaches the lead-tracking system that is carried out over the Internet wherein collected information is transmitted and

Art Unit: 3624

stored over the Internet. Inherently this transmission of data includes the use of general computers running over the Internet and making use of one or more servers. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lead tracking software of taught by Griggs to include the Internet data transmission capabilities of the Netscape/Aurum reference since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art at the time of the invention would have recognized that the results of the combination were predictable.

Further, the combination of above listed references does not explicitly teach secondary lead management servers are configured to couple one or more computerized information management systems to the lead management server. Examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to employ such client-server based technology. The use of such technology is old and well known and incorporating it into the system as taught by the above listed references enhances the system by providing centralized multi-user functionality.

As per **claim 30**, Anderson et al teaches the rules comprise prioritization rules for assigning a priority to a lead based on at least one attribute of the lead (column 5, lines 3-19, lines 45-55 – the customer information is scored and arranged by score so that the records having the highest score and thus are the most relevant appear first).

As per **claim 31**, Anderson et al teaches the rules comprise assignment rules for assigning the leads to one or more users (column 3, lines 17-39 – the customer leads are matched to the agent based on customer information and preferences set by the agent; column 7 – customer

Art Unit: 3624

descriptive information is used to match the agent with the appropriate customer to pursue, this can be based on location, age, sex, type of business, etc.).

As per **claim 32**, Anderson et al teaches the rules comprise attachment rules for determining additional information to be attached to the leads prior to further routing of the lead (column 8, lines 49-67 – when the user accepts the lead, the additional customer information which was previously withheld is output).

As per **claim 33**, Anderson et al teaches the additional information comprises specifications of a product associated with the lead (column 7, lines 27-52, lines 53-65 – when matching the customer lead with an agent, the product information is taken into account).

As per **claim 34**, Anderson et al does not explicitly teach the additional information comprises documentation of a program to facilitate the sale of at least one of a product and service associated with the lead. Griggs teaches a script that is used to determine information from the lead to better evaluate the potential sale. Since both Anderson et al and Griggs teach a customer lead system wherein leads are routed through a system to the appropriate user, it would have been obvious to one of ordinary skill in the art to modify Anderson et al to include a program to facilitate the sale of the product or service associated with the lead. As taught in Griggs the benefit to having a rigid script is the ability to determine potential sales opportunities.

As per **claim 35**, Anderson et al teaches the rules comprise workflow rules for optimizing a flow of leads through the system to facilitate a rapid lead response and a high rate of lead closure (column 7, lines 53-65 – distinct rules include a second step wherein the leads are delegated to an agent based upon his/her own specified rules such as product of interest, or preferences such as age range, location, sex, etc; these rules are put into place to optimize the

Art Unit: 3624

retrieval of information to ensure sales agents have an assurance that the information produced from the lead searches includes the best candidates for their products (column 1)).

As per **claim 36**, Anderson et al teaches a particular user selects at least one rule to be applied to that user (column 7, lines 53-65 – distinct rules include a second step wherein the leads are delegated to an agent based upon his/her own specified rules such as product of interest, or preferences such as age range, location, sex, etc).

As per **claim 37**, Anderson et al does not explicitly teach tracking and reporting an advancement of the at least one customer lead includes generating at least one performance report comprising a metric of performance of at least one of: (i) a source of the leads, and (ii) at least one of the users. Griggs teaches the use of an automated lead-management system that allows one to track leads from its inception to close (page 2, paragraph 7). While the lead is tracked, one user indicated they determined 91.5% of leads given are contacted (page 3, paragraph 15; this inherently shows performance of at least one of the users being reported). The information collected is useful in evaluating return on investment. Since both Anderson et al and Griggs teach a customer lead system wherein leads are routed through system to an appropriate user and tracked, it would have been obvious to modify Anderson et al to include reporting performance data to help improve return on investment.

As per **claim 38**, Anderson et al teaches the use of a marketing database where the lead information is gathered, but does not explicitly teach the source of the leads includes a marketing campaign. Griggs teaches customer leads resulting from marketing department's advertising and trade show efforts (page 2, paragraph 3). Since Anderson et al teaches a marketing database, it would have been obvious to one of ordinary skill to gather customer information from a

Art Unit: 3624

marketing campaign as taught in Griggs since those leads would be the core prospect for upcoming new business.

As per **claims 39-48**, they are the system for implementing the method of claims 29-38. Since both Anderson et al and Griggs teach a computerized system for lead optimization/generation, claims 39-48 are rejected in the same manner as claims 29-38 above.

As per **claim 49**, the combination of Anderson et al and Griggs does not explicitly teach the lead management server and the plurality of secondary lead management servers use an equivalent data structure. The Netscape/Aurum reference teaches data transmission regarding lead tracking over the Internet, inherently between user computer systems running equivalent software programs. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lead tracking software of taught by Griggs to include the Internet data transmission capabilities of the Netscape/Aurum reference since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art at the time of the invention would have recognized that the results of the combination were predictable.

As per **claim 50**, the combination of Anderson et al and Griggs teaches tracking leads from its inception to close (page 2, paragraph 7). Griggs also teaches a ranking matrix that rates leads as hot, warm or cold based on predetermined questions (feedback) (page 3, paragraph 14). In addition, Griggs teaches if the prospect is deemed hot or warm, a lead card detailing the inquiry is sent to the field (re-routed). Cold leads are also sent to salespeople for follow up (page 3, paragraph 14). The combination does not explicitly teach the plurality of secondary lead management servers are configured to transmit the data. The Netscape/Aurum reference teaches

Art Unit: 3624

data transmission regarding lead tracking over the Internet, inherently between servers. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lead tracking software of taught by Griggs to include the Internet data transmission capabilities of the Netscape/Aurum reference since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art at the time of the invention would have recognized that the results of the combination were predictable.

As per **claim 51**, the combination of Anderson et al and Griggs teaches tracking leads from its inception to close (page 2, paragraph 7). Griggs also teaches a ranking matrix that rates leads as hot, warm or cold based on predetermined questions (feedback and status update) (page 3, paragraph 14). In addition, Griggs teaches if the prospect is deemed hot or warm, a lead card detailing the inquiry is sent to the field (re-routed). Cold leads are also sent to salespeople for follow up (page 3, paragraph 14). The combination does not explicitly teach the lead management server receives and updates. The Netscape/Aurum reference teaches data transmission regarding lead tracking over the Internet, inherently between servers. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lead tracking software of taught by Griggs to include the Internet data transmission capabilities of the Netscape/Aurum reference since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art at the time of the invention would have recognized that the results of the combination were predictable.

(10) Response to Argument

Appellant's first argument is directed to whether Anderson teaches a plurality of rules that include global rules and user specific rules. Examiner points to column 7 of Anderson wherein it is taught that a set of scores are computed using rule induction. Based on the scoring, the lead is routed. Once the lead is routed a second step occurs wherein a specific set of rules are implemented to further route the lead to an agent. This citation at column 7 of Anderson clarifies the rejection made by Examiner. While the rules may not be labeled as "global" and "user specific", these are simply labels that are not given weight. Since the first rules of Anderson are "global" in that all leads are subject to them and the second set of rules are, in a sense, "user specific" since they are specifying which customers are routed to which agents, Examiner upholds prior rejections based on Anderson.

Next, Appellants argue Griggs does not teach receiving feedback from at least one of the users, the feedback indicating whether the lead should be accepted, rejected or forwarded. In the cited portion of Griggs, page 3, paragraph 14, Griggs teaches a prospect is deemed hot or warm and a lead card is sent to the field. Examiner construes this as a lead being accepted based on feedback. In addition cold listings are sent to salespeople (forwarded) and some *choose to* follow up (indicating some are rejected). Based on this teaching in Griggs, Examiner stands behind the rejections made in view of Griggs.

An argument is also made that Griggs does not teach re-routing the lead based on rules and feedback. Examiner construes the methodology of Griggs to include re-routing of leads based on the rules and feedback. On page 3, paragraph 14, cold leads are sent to sales people which would be re-routed to the field once the lead becomes hot or warm.

Art Unit: 3624

Regarding Appellant's challenge to Examiner's taking of Official Notice, Examiner points out that the rejections citing Official Notice were first issued November 18, 2008, with no subsequent proper challenge by Appellant. These limitation under Official Notice are taken as admitted prior art, since the Appellant was given ample opportunity to make a challenge. The failure of challenge by Appellant deems the Examiner's finding conclusive. *In re Ahlert*, 424, F2d, 1088, 1091, 165 USPQ 418, 421 (CCPA 1970).

Appellant's next argument is directed to whether Anderson teaches rules that comprise attachment rules for determining additional information to be attached to leads prior to further routing of the lead. Appellant expands this argument stating Anderson does not teach attaching additional information to a lead as it is routed through the system. Anderson (see column 8, lines 37-67 and column 9, lines 1-5) teaches while the customer lead information is being processed in the routing system, some information is withheld to increase output density and to prevent superfluous information from being output. When the lead is routed to the appropriate user, the additional customer lead information, previously withheld, is available. Examiner equates this to attaching additional information to the lead as it is routed through the system since during processing and filtering some information is not available, but once the lead is routed further through the system, more information is made available to users. Examiner upholds prior rejections in view of Anderson.

The final argument states Griggs does not teach tracking and reporting an advancement of at least one customer lead includes generating a performance report comprising a metric of performance of at least one of a source of the leads, and at least one of the users. Examiner points out that since Griggs teaches (page 3, paragraph 15) a performance metric that states,

Art Unit: 3624

“salespeople now contact 91.5 percent of leads they are given”. Appellant states that since this portion of Griggs does not teach the performance of any particular user, Griggs does not teach this feature. Examiner would like to point out that the claim language states “at least one of the users”. Therefore Griggs’ teaching of an aggregate performance metric reads on this “at least one of” language included in the claim. Previous rejections in view of Griggs are upheld.

In view of the remarks above, Examiner fully upholds all prior rejections in view of Anderson and Griggs.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Johnna R Loftis/

Primary Examiner, Art Unit 3624

Conferees:

Vincent Millin/vm/
Appeals Conference Specialist

Beth V. Boswell /bvb/
Supervisory Patent Examiner, Art Unit 3623